

EXHIBIT B

Mikaela Krol

From: Mikaela Krol
Sent: Friday, November 20, 2020 5:03 PM
To: LEW-ExecAssistant@bop.gov
Cc: Ronald Chapman II; Meaghan McKeon; Mikaela Krol
Subject: Liberty Jaramillo #54987-039, Request for Compassionate Release
Attachments: 2020-11-20 Jaramillo Request for Compassionate Release.pdf

Good Afternoon Warden Spaulding,

Please see the attached correspondence on behalf of our client Liberty Jaramillo. If you should have any questions or concerns, please feel free to contact us.

Thank you,

MIKA KROL | Legal Assistant

1441 West Long Lake Rd., Ste. 310, Troy, MI 48098

Phone: (248) 644-6326

Email: mkrol@chapmanlawgroup.com

Web: www.chapmanlawgroup.com



This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to whom they are addressed. This communication may contain material protected by the attorney-client privilege. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify us at (248) 644-6326.

CHAPMAN LAW GROUP



Health Care Attorneys

November 20, 2020

Practice Areas

Administrative Law
Cannabis Law
Correctional Law
CMS Matters
Criminal Defense
DEA Matters
Estate Planning
Health Care Audits
Health Care Compliance
Health Care Fraud & Abuse
Health Care Law
Health Care Transactions
HIPAA & HITECH Matters
Medical Malpractice Defense
NPDB/Peer Review Matters
Pharmacy Law
Professional Licensing
General Litigation

Florida Offices

6841 Energy Ct.
Sarasota, FL 34240
T. (941) 893-3449

1001 Brickell Bay Dr.
Suite 1714
Miami, FL 33131
T. (305) 712-7177

Michigan Office

1441 West Long Lake Rd.
Suite 310
Troy, MI 48098
T. (248) 644-6326
F. (248) 644-6324

www.ChapmanLawGroup.com

Warden Steven Spaulding
USP Lewisburg
U.S. Penitentiary
2400 Robert F. Miller Dr.
Lewisburg, PA 17837
Email: LEW-ExecAssistant@bop.gov

Re: Liberty Jaramillo
Register Number: 54987-039
Request for Compassionate Release

Dear Warden Spaulding:

I am writing on behalf of my client, Liberty Jaramillo. Please accept this as his formal request for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

Mr. Jaramillo reported to USP Lewisburg on November 13, 2020, to serve his thirty-six (36) month sentence for conspiracy to commit health care fraud and wire fraud. Despite being sentenced approximately two-and-a-half (2 ½) years ago, Mr. Jaramillo had since been living peacefully in the community as his prison term loomed over him. Mr. Jaramillo agreed to extend his report date several times by stipulation to provide the Government substantial assistance in the investigation and pending cases of his former associates. However, with these extensions unexpectedly came the onset of the COVID-19 pandemic that continues to rage with no foreseeable end in sight. In the meantime, Mr. Jaramillo grows older with his chronic conditions only apt to worsen with age and stress. Mr. Jaramillo reported to prison on November 13th, before the extent and severity of the latest escalation in COVID-19 cases was realized, with the intention of starting his sentence and moving forward with his life. Mr. Jaramillo now seeks compassionate release because his age and underlying health conditions put him at great risk of complications from COVID-19.

Mr. Jaramillo is seventy (70) years old and suffers from type 2 diabetes, tachycardia, heart palpitations, high cholesterol, rheumatoid arthritis, gout attacks, and thyroid problems such as hyperthyroidism and thyroid removal. Mr. Jaramillo's age and health conditions place him within the increased risk group for developing severe illness from COVID-19. The Centers for Disease Control and Prevention (CDC) states that the chance of hospitalization, intensive care admission, and death from COVID-19 increases with age.¹ Certain underlying

¹ See Centers for Disease Control and Prevention, *Older Adults*, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html> (last accessed Nov. 20, 2020).

Warden Steven Spaulding
 November 20, 2020
 Page 2

conditions such as type 2 diabetes mellitus also put Mr. Jaramillo and individuals of any age at higher risk for serious complications from COVID-19.² After a recent examination, Mr. Jaramillo's physician, Dr. James Mackenzie, M.D. wrote, "[s]entencing [Mr. Jaramillo] to jail could be a death sentence." (See attached).

The CDC recommends that people at heightened risk for COVID-19, like Mr. Jaramillo, restrict interactions with others as much as possible and take precautions like social distancing and limiting contact with commonly touched surfaces and items.³ Adhering to the CDC guidelines within USP Lewisburg is impractical despite the best efforts of the inmates and staff as it is inevitable that Mr. Jaramillo must sleep, eat, bathe, and live in close proximity with the nearly eight-hundred (800) other inmates and facility employees.⁴

The Federal Bureau of Prisons is currently reporting fifty-five (55) inmates at USP Lewisburg are positive for COVID-19.⁵ The spread of a COVID-19 outbreak can be difficult to contain, especially in a communal living setting such as a BOP facility, as it can be passed through asymptomatic or pre-symptomatic transmission, so while a person never develops symptoms or has not yet developed symptoms, that person can still infect others. Without continuous COVID-19 testing of all inmates and employees, it is difficult to determine who is and is not infectious and, as a result, COVID-19 remains a serious threat within USP Lewisburg, especially for vulnerable individuals like Mr. Jaramillo.

The dangers of unknown transmission, the inability to properly socially distance within the facility, and the growing number of positive cases in the surrounding community and throughout the country create a dangerous environment for Mr. Jaramillo who is at heightened risk of severe illness or death from COVID-19. The United States is now reporting a serious spike in COVID-19 cases with experts predicting the pandemic is entering its worst phase.⁶ Pennsylvania's current daily case average is over two hundred percent (200%) higher than what was recorded last month, and these numbers are expected to continue to increase according to Pennsylvania Health Secretary Rachel Levine.⁷ While Mr. Jaramillo does not have direct contact with the community surrounding USP Lewisburg, he does risk exposure from facility employees who likely live in neighboring areas that are experiencing drastic increases in COVID-19 cases. The potential for serious illness or even death from Mr. Jaramillo's underlying health conditions and COVID-19 constitute extraordinary and compelling circumstances pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

² See Centers for Disease Control and Prevention, *People of Any Age with Underlying Medical Conditions*, https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html (last accessed Nov. 20, 2020).

³ *Supra*.

⁴ See Federal Bureau of Prisons, USP Lewisburg, <https://www.bop.gov/locations/institutions/lew/> (last accessed Nov. 20, 2020).

⁵ See Federal Bureau of Prisons, COVID-19 Coronavirus, <https://www.bop.gov/coronavirus/> (last accessed Nov. 20, 2020).

⁶ Kim Bellware, Lateshia Beachum, Hamza Shaban, Meryl Kornfield, Darren Sands, Jacqueline Dupree and Carolyn Y. Johnson, *U.S. surpasses 10 million coronavirus cases; experts warn country is entering worst phase*, The Washington Post, <https://www.washingtonpost.com/nation/2020/11/09/coronavirus-covid-live-updates-us/> (Nov. 9, 2020, 1130 PM).

⁷ Rob Tornoe, Justine McDaniel, and Erin McCarthy, *Pennsylvania, New Jersey, and Delaware all seeing similar spike in cases*, The Philadelphia Inquirer, <https://www.inquirer.com/health/coronavirus/live/covid-coronavirus-cases-pa-philadelphia-nj-de-updates-testing-hospital-vaccine-news-20201110.html> (Nov. 10, 2020, 7:30 AM).

Warden Steven Spaulding

November 20, 2020

Page 3

Based on the framework provided in 18 U.S.C. § 3142(g), Mr. Jaramillo is not a danger to the community and presents no risk to public safety. Mr. Jaramillo is a seventy (70) year-old father and retired engineer with no criminal history. He was convicted of the non-violent crime of Conspiracy to Commit Health Care Fraud and Wire Fraud. Mr. Jaramillo plans to live alone following incarceration, and lived without incident in the community during the pendency of his case until he reported to prison on November 13, 2020. His report date was extended multiple times without objection by the Government.

Keeping Mr. Jaramillo incarcerated is unnecessary to serve the purposes of punishment under 18 U.S.C. § 3553(a)(2). The goals of punishment are to reflect on the seriousness of the offense, deter future criminal conduct, protect the public, and provide defendants with necessary training and/or treatment. 18 U.S.C. § 3553(a)(2)(A)-(D). During this global pandemic, these purposes can be adequately achieved through a modified sentence of home confinement and/or supervised release for non-violent, first-time offenders such as Mr. Jaramillo. The detrimental effects of serving a term of incarceration while facing COVID-19 exposure far exceed Mr. Jaramillo's potential danger to the community. The other goals can be achieved outside of prison, and without the risk of serious complication or death from COVID-19.

Thank you for your consideration of Mr. Jaramillo's request. If you have any questions or concerns, please feel free to contact our office at your convenience. Remaining,

Very Truly Yours,
Chapman Law Group



Ronald W. Chapman II, Esq., LL.M.
1441 West Long Lake Road, Suite 310
Troy, MI 48098
(248) 644-6326
RWChapman@ChapmanLawGroup.com

RWCII/mmk

Enclosures

James Mackenzie, M.D.

1380 Coolidge Highway

Troy, Michigan 48084

(248) 288-4000

November 3rd, 2020

Liberty Jaramillo has diabetes, hypothyroidism, advanced age, high cholesterol, heart disease, for which he takes multiple medications, and needs diabetic foot injections. Incarceration would be extremely hazardous, in view of current Covid-19 pandemic and the high incidence of this in prisons, the high mortality rate in men of 70 years of age. Sentencing him to jail could be a death sentence.



James Mackenzie, M.D.

James C. MacKenzie, M.D.
1380 Coolidge Highway
Troy, MI 48084